

AGENDA MEMO

CITY COUNCIL MEETING OF: JULY 1, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-33829 - APPLICANT/OWNER: BBB OPERATING COMPANY

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL, subject to conditions.

Planning and Development

1. Conformance to the conditions for Variance (V-0072-88), if approved.
2. This Variance shall be placed on an agenda closest to July 01, 2012 at which time the City Council may require the Off-Premise Sign (Billboard) be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Sign (Billboard) is removed.
3. All of the supporting structure shall be repainted, including the framing around the sign face, as required by the Planning and Development Department, within 30 days of final approval of this review by the City Council. Failure to perform the required painting may result in fines and/or removal of the Off-Premise Sign (Billboard).
4. The Off-Premise Sign (Billboard) and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
5. If the existing off-premise sign is voluntarily demolished, this Variance (V-0072-88) shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Required Review of a previously approved Variance (V-0072-88) to allow a 50-foot high, 12-foot by 24-foot Off-Premise Sign at 601 North Main Street.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
07/20/88	The City Council approved a Variance (V-0072-88) to allow construction of a 12-foot by 24-foot Off-Premise Sign to a height of 50 feet where 40 feet is the maximum height permitted and to allow the Off-Premise Advertising Sign 150 feet from an existing Off-Premise Advertising Sign where a 300-foot minimum separation distance is required at 601 North Main Street. The Board of Zoning Adjustment and staff recommended denial of this request.
08/18/93	The City Council approved a Required Five Year Review [V-0072-88(1)] of an approved Variance which allowed a 12-foot by 24-foot Off-Premise Sign to a height of 50 feet where 40 feet is the maximum height permitted and to allow the Off-Premise Advertising Sign 150 feet from an existing Off-Premise Advertising Sign where a 300-foot minimum separation distance is required at 601 North Main Street. The Board of Zoning Adjustment and staff recommended approval of this request.
09/09/98	The City Council approved a Required Five Year Review [V-0072-88(2)] of an approved Variance which allowed a 12-foot by 24-foot Off-Premise Sign to a height of 50 feet where 40 feet is the maximum height permitted; and to allow the Off-Premise Advertising Sign 150 feet from an existing Off-Premise Advertising Sign where a 300-foot minimum separation distance is required at 601 North Main Street. The Board of Zoning Adjustment and staff recommended approval of this request.
10/17/01	The City Council approved a Required Three Year Review [V-0072-88(3)] of an Approved Variance which allowed a 12-foot by 24-foot Off-Premise Advertising (Billboard) sign to a height of 50 feet where 40 feet is the maximum height allowed; and which allowed the Off-Premise Advertising Sign 150 feet from an existing Off-Premise Advertising Sign where a 300-foot minimum separation distance is required at 601 North Main Street. The Planning Commission and staff recommended approval of this request.
05/28/09	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #23/bts).

<i>Related Building Permits/Business Licenses</i>	
07/29/88	A building permit (#88003253) was issued for the installation of a billboard sign at 601 North Main Street. The building permit expired on 11/18/92 without receiving final approval.
<i>Pre-Application Meeting</i>	
A pre-application meeting was not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
04/21/09	<p>Staff conducted a field check of the subject site with the following observations:</p> <ul style="list-style-type: none"> • The sign copy appeared worn, torn and faded. • The frame around the west face of the sign was noted as chipped and peeling. • The pole appeared clean and free of graffiti. <p>Conditions have been added to this request, if approved, which will require the applicant to perform proper maintenance of the subject sign.</p>

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.48

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Warehouse	C (Commercial)	M (Industrial)
North	Warehouse	C (Commercial)	M (Industrial)
South	Parking Lot	C (Commercial)	M (Industrial)
East	Undeveloped / Vacant Building	C (Commercial)	C-M (Commercial/Industrial)
	Auto Parts and Auto Repair, Minor	C (Commercial)	M (Industrial)
West	Warehouse/Distribution Center	LI/R (Light Industry / Research)	M (Industrial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown North Land Use Plan	X		Y
Downtown Redevelopment Area	X		Y
A-O (Airport Overlay) District (175 Feet)	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Standards	Code Requirement	Provided	Compliance
Location	No Off-Premise Sign may be located within public right-of-way	Sign is not located in public right-of-way.	Y
Zoning	Off-Premise Signs are permitted in C-1, C-2, C-M, and M zoning districts only	Sign is located in an M (Industrial) zoning district.	Y
Area	No Off-Premise Sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	The sign is 288 square feet in size and does not have embellishments.	Y
Height	No higher than 40 feet from grade at the point of construction: may be raised to a maximum of 55 feet with approval of the City Council if significantly obscured from view of travel lanes.	The sign is 50 feet from the grade point of construction	N*
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	Structural elements are properly screened from public view.	Y

Off-Premise Sign (Billboard)	At least 750 feet to another Off-Premise Sign along US-95 or at least 300 feet to another Off-Premise Sign (if not along US-95)	The sign is 150 feet from an existing Off-Premise Sign	N*
Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any "R" or U" zoned districts.	The sign is approximately 550 feet from the nearest "R" zoned district	Y
Other	All Off-Premise Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	The sign is permanently secured to the ground and is not located on property zoned for residential use.	Y

* The City Council approved a Variance (V-0072-88) which allowed the subject sign to be constructed at a height of 50 feet and 150 feet from an existing Off-Premise Sign.

ANALYSIS

This is the fourth Required Review of a previously approved Variance (V-0072-88) to allow a 50-foot high, 12-foot by 24-foot Off-Premise Sign at 601 North Main Street. Researching the building permit history on the Off-Premise Sign found that the billboard was constructed under sign permit #88003253; however, the permit never received final inspections or approval. The site inspection of the sign revealed that while the structure is free from graffiti and bird nuisance, the framing around the sign face is peeling and in disrepair.

The sign is located within the Downtown North Land Use Plan. Policy 2.4.8 of the Downtown North Land Use Plan requires that the City improve the quality and appearance of signage through review, amendment and consistent application of its Sign Code. Conditions have been added to this application, if approved, which will require the applicant to obtain either construction inspection and approval by the City, or structural certification within 30 days after approval of this application and to repaint all of the supporting structure, including the framing around the sign face, within 30 days after approval of this application.

FINDINGS

The sign is located within an M (Industrial) zoning district and is not within the Off-Premise Exclusionary Zone. Variance (V-0072-88) permitted deviations from Title 19.14.100 that permitted the sign to be built in its current configuration. The proposed billboard is not consistent with Policy 2.4.8 of the Downtown North Land Use Plan in that the sign lacks the required final inspections and the deteriorated quality of the framing around the sign face; therefore, staff recommends denial of this request.

PLANNING COMMISSION ACTION

The Planning Commission amended the conditions as shown.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 100 by City Clerk

APPROVALS 0

PROTESTS 0